



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8765

UNITED STATES OF AMERICA,

Plaintiff,

v.

Lazaro Omar Alvarez-ALARCON

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about August 24, 2008, within the Southern District of California, defendant Lazaro Omar Alvarez-ALARCON did knowingly and intentionally import approximately 35.62 kilograms (78.36 lbs) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent Lance Swanson
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25TH,
DAY OF AUGUST 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Lazaro Omar Alvarez-ALARCON

4 STATEMENT OF FACTS

5 This statement of facts is based on the reports, documents, and notes furnished
6 to US Immigration and Customs Enforcement Special Agent (SA) Lance Swanson.

7 On August 24, 2008 at approximately 1450 hours, Lazaro Omar Alvarez-
8 ALARCON entered the United States at the Calexico, California, West Port of Entry.
9 ALARCON was the driver and owner of a 2000 Chevy Monte Carlo. His girlfriend,
10 Myrna Valdez-FIERRO, accompanied ALARCON.

11 During the primary inspection, Customs and Border Protection Officer (CBPO) J.
12 Tubbs received a negative Customs Declaration from both ALARCON and FIERRO.
13 ALARCON told CBPO J. Tubbs that they were going into Calexico to shop. CBPO J.
14 Tubbs inspected the trunk, gas tank, and undercarriage of the vehicle. During the
15 inspection, ALARCON turned the vehicle off to open the trunk. Once the inspection was
16 complete, ALARCON attempted to start the vehicle again, but the engine would not
17 start. At that point, CBPO J. Tubbs requested that ALARCON move his vehicle to the
18 secondary lot for further inspection and to get his vehicle started again. ALARCON,
19 FIERRO, and the vehicle were referred to secondary inspection.

20 In the vehicle secondary lot, CBPO L. Garcia received a negative Customs
21 Declaration from ALARCON. CBP K-9 Officer E. Smura screened the vehicle with his
22 Narcotics Detection Dog (NDD). CBP K-9 Officer E. Smura received an alert from his
23 NDD on the dashboard area of the vehicle.

24 Upon closer inspection, CBPO L. Garcia discovered 34 packages concealed
25 inside the dashboard of the vehicle. One of the packages was probed and a sample of
26 a green leafy substance was obtained, which field tested positive for marijuana. The 34
27 packages had a combined net weight of approximately 35.62 kilograms (78.36 lbs).

28 ALARCON was placed under arrest and advised of his Constitutional Rights,
29 which he acknowledged and waived, agreeing to answer questions. ALARCON stated
to Special Agent Swanson he was offered \$2000 to smuggle marijuana into the United
States.